

AMENDED IN ASSEMBLY AUGUST 18, 2011

AMENDED IN ASSEMBLY JUNE 29, 2011

AMENDED IN ASSEMBLY JUNE 13, 2011

AMENDED IN SENATE APRIL 13, 2011

AMENDED IN SENATE MARCH 24, 2011

## SENATE BILL

No. 798

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### Introduced by Senator De León

February 18, 2011

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An act to repeal *and add* Section 53071.5 of the Government Code, relating to imitation firearms.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 798, as amended, De León. ~~BB devices: imitation firearms.~~  
*Imitation firearms: regulation.*

Existing law provides that the Legislature occupies the whole field of regulation of the manufacture, sale, or possession of imitation firearms, as defined, and that those provisions shall preempt and be exclusive of all regulations relating to the manufacture, sale, or possession of imitation firearms, including regulations governing the manufacture, sale, or possession of BB devices and air rifles, as specified. *Existing law defines "imitation firearm" to include a "BB device" and defines a "BB device," for specified purposes, to include any spot marker gun.*

This bill would ~~repeal~~ narrow those *preemption* provisions to instead provide that it is the intent of the Legislature to occupy the entire field of regulation of spot marker guns which expel a projectile larger than 16mm, and that no city, county, city and county, or other local

*government entity may enact any ordinance or resolution prohibiting or regulating the manufacture, sale, possession, or use of any spot marker gun which expels a projectile larger than 16mm.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 53071.5 of the Government Code, as  
2     amended by Section 1 of Chapter 607 of the Statutes of 2004, is  
3     repealed.

4     SEC. 2. Section 53071.5 of the Government Code, as amended  
5     by Section 35 of Chapter 178 of the Statutes of 2010, is repealed.

6     SEC. 3. Section 53071.5 is added to the Government Code, to  
7     read:

8     53071.5. *It is the intent of the Legislature to occupy the entire*  
9     *field of regulation of spot marker guns that expel a projectile larger*  
10    *than 16mm. No city, county, city and county, or other local*  
11    *government entity may enact or enforce any ordinance or*  
12    *resolution prohibiting or regulating the manufacture, sale,*  
13    *possession, or use of any spot marker gun which expels a projectile*  
14    *larger than 16mm.*